

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-cv-21606-RKA

FRANCISCO CARIAS, Jr., as the
Personal Representative of the Estate of
GUILLO CARIAS, on behalf of the
Estate, and his Survivors,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,

Defendant.

**AMERICAN’S UNOPPOSED MOTION AND INCORPORATED MEMORANDUM
SEEKING CLARIFICATION CONCERNING
RE-FILING OF STATE COURT MATERIALS**

Defendant, American Airlines, Inc. (“American”), by and through its attorneys, Morgan & Akins, PLLC, moves this Court for the entry of an order clarifying certain portions of its “Order Requiring Removal Status Report and Joint Scheduling Report,” dated May 2, 2023. [DE 6]. In particular, American seeks clarification concerning the obligation to file copies of all records and proceedings before the state court. In support thereof, American states as follows:

On May 2, 2023, this Court entered its “Order Requiring Removal Status Report and Joint Scheduling Report” (the “Order”). [DE 6]. According to paragraph 2 of the Order, American, as the removing party, is to file its Removal Status Report on or before May 15, 2023.¹ But, paragraph 2 also provided, in pertinent part, as follows: “By that same sate, in addition to the Removal Status Report, counsel for the removing party must file copies of all records and proceedings before the

¹ That was completed. The Removal Status Report was filed on May 10, 2023. [DE 10].

state court.” [DE 6, ¶ 2]. This instruction, to file the state court records and proceedings, is what American seeks to have clarified in light of its prior filings.

American filed, as an exhibit to its Notice of Removal, all pleadings in the state court action. [See DE 1-1]. Included as part of the exhibit was a print out of the state court docket record to confirm that the production and filing was complete. [See DE 1-1]. As a result, the state court records and proceedings have already been filed and are in the record as they were filed as part of the Notice of Removal.

Given the fact that the Court has ordered filing of all records and proceedings filed before the state Court, and American had filed those materials prior to the issuance of the Order, American or, mor accurately, its counsel, is unclear as to whether the Court wants these materials filed again. As such, American is requesting clarification concerning the Court’s Order, specifically, whether American should re-file the state records and proceedings previously filed as an exhibit to its Notice of Removal.

WHEREFORE, Defendant, American Airlines, Inc., respectfully requests that this Court enter an order: (i) clarifying American’s obligation to refile materials from the state court action previously filed in this action as part of and as an exhibit to its Notice of Removal [DE-1]; and/or (ii) for whatever other relief this Court deems just and proper.

RULE 7.1 CERTIFICATION

Counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the Motion and certifies that this Motion is unopposed.

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Dated: May 10, 2023

Respectfully submitted,

/s/ Patrick K. Dahl

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system on May 10, 2023, and the foregoing document is being served this day on all counsel or parties of record on the Service List below, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

/s/ Patrick K Dahl

Patrick K. Dahl, Esquire

SERVICE LIST

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